

Translation

PATENT COOPERATION TREATY

PCT/DE2003/001007



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P03971WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/001007	International filing date (day/month/year) 26 March 2003 (26.03.2003)	Priority date (day/month/year) 02 April 2002 (02.04.2002)
International Patent Classification (IPC) or national classification and IPC G05B 1/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23 October 2003 (23.10.2003)	Date of completion of this report 10 September 2004 (10.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/001007

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-11, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-7, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/01007

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-7	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following documents:

D1: WO 02/23290 A (DANCAU MARIAN GEORG; HAUNI WERKE KOERBER & CO KG (DE); BAATZ GUNAR) 21 March 2002 (2002-03-21)

D2: KUCHLIN W ET AL: "HIGHROBOT: telerobotics in the Internet" EMERGING TECHNOLOGIES AND FACTORY AUTOMATION PROCEEDINGS, 1997. ETFA '97, 1997 6TH INTERNATIONAL CONFERENCE ON, LOS ANGELES, CA, USA, 9-12 Sept. 1997, NEW YORK, NY, USA, IEEE, US, 9 September 1997 (1997-09-09), pages 115-120, XP010242641 ISBN: 0-7803-4192-9

2. The present application does not meet the requirement of PCT Article 33(2) because the subject matter of claims 1-7 is not novel over the prior art as defined in the Regulations (PCT Rule 64.1-64.3).

2.1 Claim 1:

Document D1 discloses a production machine (page 1, lines 1-3, of D1) with a control system (page 18,

lines 26-34; figure 7; see also page 18, lines 16-19, of D1) integrated in a web server ("Webserver 18", page 18, lines 32-34; see also page 4, lines 5-10, of D1), the web server including software modules (page 18, line 27, of D1), and at least one first software module having first means for implementing the control (implicit in page 18, lines 26-34, and figure 7 of D1).

It should be noted that claim 1 was drafted so broadly that all kinds of software applications could be regarded as "software modules" in the sense used in claim 1. This is inconsistent with the concept of "integrated extension module" on page 2, lines 9-15; and page 9, lines 16-20 (see also page 4, lines 25-27; and page 5, lines 25-29). This leads to an objection under PCT Article 6 because the scope of claims 1-7 goes beyond the scope justified by the description and the drawings (lack of support).

2.2 Claim 2:

Document D1 discloses the subject matter of claim 2 on page 19, lines 1-11.

2.3 Claim 3:

Document D1 states that internet protocols are provided to ensure the communication of the software modules with each other and with components outside the web server (page 18, lines 26-27; see also page 17, lines 2-9, of D1).

2.4 Claim 4:

Document D1 implicitly discloses the subject matter of claim 4 on page 7, lines 13-15, because the "updating" of "control programmes", as described in D1, is an "administration" measure and can only be carried out by "configuration".

2.5 Claim 5:

Document D1 discloses the subject matter of claim 5 in figure 7 and on page 17, line 31 ("decoupling 36... Firewall").

2.6 Claim 6:

Document D2 discloses a system according to the subject matter of claim 1 (paragraph 4.2, page 117, column 1, line 42 - column 1, line 10, of D2). The additional features of claim 6 are disclosed in paragraph 4.1 of D2. Claim 6 thus lacks novelty over document D2.

2.7 Claim 7:

The application does not meet the requirements of PCT Article 6 because claim 7 is unclear. The expression used in claim 7, "the web server *includes* a real-time operating system" is unclear and leaves the reader uncertain as to the meaning of the technical features in question (how can a *software* web server include an operating system? According to the description of the application (page 5, lines 26, 27), a web server is a "process in a computer", and therefore the web server requires a running

operating system to be carried out). As a result, the subject matter of this claim is not clearly defined (PCT Article 6).

Document D2 discloses a real-time operating system (POSIX.4, paragraph 2 of D2) in a system according to the subject matter of claim 1 (paragraph 4.2 of D2). Claim 7 thus lacks novelty over document D2.

3. The application relates to a production machine with a control system. It is therefore industrially applicable.